

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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KINSALE INSURANCE COMPANY,	:	Civil Case No.: 1:21-cv-09328-VSB
	:	
Plaintiff,	:	
	:	
- against -	:	<b><del>PROPOSED</del> DEFAULT</b>
	:	<b>JUDGMENT</b>
	:	
BAILEYS ENGINEERING P.C.,	:	
	:	
Defendant.	:	
-----X	:	

**AND NOW**, this 4th day of March, 2022, this action having been commenced by Plaintiff, KINSALE INSURANCE COMPANY (“KINSALE”) on November 11, 2021 by the filing of the Summons and Complaint, and a copy of the Summons and Complaint having been personally served on the defendant, BAILEYS ENGINEERING P.C. (“BAILEYS”), on November 17, 2021 by personal service upon Paul Bailey, PE, the CEO of BAILEYS ENGINEERING P.C., and a Proof of Service having been filed on January 7, 2022 [ECF No. 10], and Defendant BAILEYS not having answered or otherwise responded to the Complaint, and the time for answering the Complaint having expired, and KINSALE having moved for the entry of a default judgment against BAILEYS pursuant to Fed. R. Civ. P. 55 as a result, it is **ORDERED, ADJUDGED AND DECREED AS FOLLOWS:**

1. KINSALE's Motion is **GRANTED**.
2. **FINAL JUDGMENT** is hereby entered in favor of Plaintiff, KINSALE INSURANCE COMPANY and against Defendant, BAILEYS ENGINEERING P.C., upon the following terms and conditions:

- a. KINSALE has no duty to defend or indemnify Defendant BAILEYS ENGINEERING P.C. in connection with the Underlying Action styled *Marvin Alberto and Oscar Amilcar Iraheta Guerra v. Fifth & 88th Inc., BHS Residential Management LLC A/K/A Brown Harris Stevens Residential Management, LLC, Midtown Preservation, Architecture & Engineers, P.C Baileys Engineering P.C., Empire NY Installations Inc. and Tower Buildings Services, Inc.*, (Queens County Docket No.: 721252/2020 (“the Underlying Action”)); and
  - b. KINSALE may withdraw its defense of Defendant BAILEYS ENGINEERING P.C. in that Underlying Action.
3. The Clerk is directed to close this case.

**BY THE COURT:**



Hon. Vernon S. Broderick, U.S.D.J.

3/4/22